

SUBCHAPTER B—COMPETITION AND ACQUISITION PLANNING

PART 1405—PUBLICIZING CONTRACT ACTIONS

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AUTHORITY: Sec. 205(c), 63 Stat. 390, 40 U.S.C. 486(c); and 5 U.S.C. 301.

SOURCE: 75 FR 19829, Apr. 15, 2010, unless otherwise noted.

Subpart 1405.2—Synopsis of Proposed Contract Actions

1405.202 Exceptions.

The AS/PMB is authorized to approve the written determination documenting the reasons why a synopsis is not appropriate or reasonable. The CO shall prepare the determination, submit it to the HCA and then to the Director, PAM, for AS/PMB approval.

1405.207 Preparation and transmittal of synopses.

In addition to the synopsis information generally required under FAR 5.207, as a best business practice, it is recommended each synopsis of a proposed contract action under other than full and open competition include the location where the offeror may obtain:

(a) A description of specific qualifications the Government requires of the product or service to meet the Government's minimum needs; and

(b) The factors the Government will use to evaluate the product or service information prospective contractors provide under the proposed contract action.

Subpart 1405.3—Synopsis of Contract Awards

1405.303 Announcement of contract awards.

(a) The CO shall report the following information to the cognizant bureau congressional affairs officer for notification to Congress 24 hours prior to the award of a contract expecting to exceed \$500,000:

- (1) Proposed award date;
- (2) Contractor name and address;
- (3) Geographical location of contract performance;
- (4) Description of the contracted work;
- (5) Dollar amount of contract; and
- (6) Contractor business size and whether the firm is minority-owned or is a disadvantaged business concern.

(b) With the concurrence of the Office of Congressional and Legislative Affairs, the HCA may waive the announcement of sensitive awards.

Subpart 1405.4—Release of Information

1405.403 Requests from Members of Congress.

For purposes of this subpart, the agency head is the HCA with the power of redelegation to the BPC.

1405.404 Release of long-range acquisition estimates.

1405.404-1 Release procedures.

(a) The authority to release acquisition requirements anticipated in the coming year is delegated to the OSDDBU and the HCA with redelegation limited to the BPC. The Government cost estimate shall not be revealed. The expected dollar values shall be advertised as falling within dollar ranges rather than specific dollar amounts.

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(b) Classified information shall only be released in accordance with the procedures in 442 DM.

Subpart 1405.5—Paid Advertisements

1405.502 Authority.

(a) The CO shall obtain written authorization of the HCA before placing an advertisement in a newspaper to advertise a contracting opportunity.

(b) Advertisements placed in media other than newspapers do not require advance authorization.

PART 1406—COMPETITION REQUIREMENTS

Subpart 1406.2—Full and Open Competition After Exclusion of Sources

Sec.

1406.202 Establishing or maintaining alternate sources.

Subpart 1406.3—Other Than Full and Open Competition

1406.302 Circumstances permitting other than full and open competition.

1406.302-1 Only one responsible source and no other supplies or services will satisfy agency requirements.

1406.302-7 Public interest.

1406.303 Justifications.

1406.303-70 Additional requirements.

1406.304 Approval of the justification.

Subpart 1406.5—Competition Advocates

1406.501 Requirement.

1406.502 Duties and responsibilities.

AUTHORITY: Sec. 205(c), 63 Stat. 390, 40 U.S.C. 486(c); and 5 U.S.C. 301.

SOURCE: 75 FR 19829, Apr. 15, 2010, unless otherwise noted.

Subpart 1406.2—Full and Open Competition After Exclusion of Sources

1406.202 Establishing or maintaining alternative sources.

HCAs are authorized to approve the determinations and findings (D&Fs) to establish or maintain an alternative source or sources for supplies or services.

Subpart 1406.3—Other Than Full and Open Competition

1406.302 Circumstances permitting other than full and open competition.

1406.302-1 Only one responsible source and no other supplies or services will satisfy agency requirements.

For contracts that will be awarded using this authority, the notices required by FAR 5.201 shall have been published and any bids, proposals, quotations, or capability statements must have been considered.

1406.302-7 Public interest.

The CO shall prepare the D&F and complete the justification to support use of public interest authority for other than full and open competition and submit it through the HCA to the Director, PAM, for further action.

1406.303 Justifications.

1406.303-70 Additional requirements.

(a) If other than full and open competition is recommended by the office initiating an acquisition requirement, the recommendation shall:

(1) Be in writing;

(2) Accompany the requisition;

(3) Contain the information required by FAR 6.303-2; and

(4) Request the CO to conduct a market survey by issuing a synopsis of the proposed contract action (see 1405.207). The initiating office shall evaluate and document all responses to the notice. The CO shall prepare the D&F that only one source can meet the Government's needs based on the evaluation results. The evaluation results shall be included in the justification as required by FAR 6.303-2(a)(8) if it is determined that only one source can meet the Government's needs.

(b) The procedure in paragraph (a) of this section is not required for proposed contract actions to be awarded under the authority in FAR 6.302-2 when the CO determines that preparation and approval of the justification